IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE NINTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 1442 of 2005

Between:

Sri Balaji Trading Company, Partnership Concern, D/o. 148/1, Pedipalem Village, Anandapuram Mandal, Visakhapatnam District, Rep. by its Partner Mr. Cheena Prasad Rao, S/o. Demullu.

..... PETITIONER

AND

1 The Commissioner and Director of Marketing, Government of Andhra Pradesh, BRK Building, Tank Bund Road, Hyderabad.
2 The Secretary, Agricultural Marketing COmmittee, Near Foot Ball Grounds, Bheemunipatnam.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ order or direction more particularly one in the nature of WRIT of Mandamus declaring the action of the respondents in ot reviewing the assessment orders bearing No. DCB No.4/A/2002-2003 dt. 20-07-2004 to pay a market fee of Rs. 63,230/- and another assessment order bearing No. DCB.No. 7/A/2003-2004 dt. 20-07-2004 for payment of Rs. 35,387/- and with holding the permit books as illegal, arbitrary, biased unconstitutional and against the principles of Natural Justice and cosnequently direct the respondents to review the assessment orders bearing No. DCB No.4/A/2002-2003 dt. 20-07-2004 to pay a market fee of Rs. 63,230/- and another assessment order bearing No. DCB.No. 7/A/2003-2004 dt. 20-07-2004 for payment of Rs. 35,387/- and to release the permit books.

Counsel for the Petitioner:SMT.D.LALITHA PRASAD

Counsel for the Respondent Nos.1 and 2: MR.K.MADHAVA REDDY

The Court at the admission stage made the following:

ORDER:

The petitioner is a trader at Pedipalem village of Anandapuram Mandal, Visakhapatnam District. He has been granted a licence by the Market Committee, Bheemunipatnam under Section 7 of the Andhra Pradesh (Agricultural Produce & Livestock) Markets Act, 1966 (for short 'the Act'). Two orders of assessment were passed against him on 20.07.2004. On the ground that he has not complied with the same, the permit books are said to have been denied to him by the Market Committee. This writ petition is filed seeking two fold relief viz., the 2nd respondent be directed to review his orders dated 20.07.2004 and to issue the permit books.

Heard learned counsel for the petitioner and learned Standing Counsel for the respondents.

So far as the first relief is concerned, it cannot be granted for the reason that the petitioner has an effective remedy by way of an appeal under Section 12-E of the Act to the Joint Director of Marketing. The Act does not confer any power of review on the assessing authority.

As regards the second relief, this Court dealt with the similar question in W.P.No.22388 of 2004, wherein it was held that the export permit books to a trader cannot be denied by the Market Committee, even where it is found that the trader did not pay the market fee.

In view of the same, the writ petition is disposed of, directing that the 2nd respondent shall issue the export permit books to the petitioner on payment of the requisite charges, without insisting on clearance of the dues to the market. There shall be no order as to costs.

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09.02.2005

Note: Issue C.C. in three days.

(B/o)

Jsu

To

1 The Commissioner and Director of Marketing, Government of Andhra Pradesh, BRK Building,
Tank Bund Road, Hyderabad.
2 The Secretary, Agricultural Marketing COmmittee, Near Foot Ball Grounds, Bheemunipatnam.

3 Two C.D.copies